UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,631	09/04/2003	Jean-Marie Gatto	CYBS5872	8128

86915   7590   03/04/2011

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EXAMINER
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ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
03/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action **_Before the Filing of an Appeal Brief_**	_10/656,631_	GATTO ET AL.
	Examiner	**Art Unit**	
	JAMES S. MCCLELLAN	3718	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>03 February 2011</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☒ The period for reply expires <u>4</u> months from the mailing date of the final rejection.

  b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

  (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

  (b) ☐ They raise the issue of new matter (see NOTE below);

  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: _____.

  Claim(s) objected to: _____.

  Claim(s) rejected: <u>1-12,63-65,78-92,108 and 109</u>.

  Claim(s) withdrawn from consideration: <u>13,15-19,21-61 and 66-77</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). <u>10/23/10 and 12/6/10</u>.

13. ☒ Other: <u>10/23/10 and 12/6/10</u>.

/JAMES S. MCCLELLAN/
Primary Examiner, Art Unit 3718

Continuation of 11. does NOT place the application in condition for allowance because:

Starting on page 30, Applicant argues that the "software ring" configuration of Mockapetris does not carry out any step of "sending a single transaction packet to each of the at least two central servers." The Examiner respectfully disagrees. While Mockapetris only discloses sending an transaction packet directly to the first server in the ring, it is clear that the initial transaction packet will be forwarded to all other servers in the ring. That is, Mockapetris directly sends information to the first server and indirectly sends information to each subsequent server in the ring. But for Mockapetris starting the process, none of the subsequent servers would receive the information.

At the bottom of page 30, Applicant also argues that the "software ring" configuration of Mockapetris does not send an "identical inbound game payload to each of the at least two servers. In making this argument, Applicant asserts that Mockapetris does not disclose identical inbount payloads, because "there is only one payload, that gets forwarded along the ring, to each successive destination." The Examiner respectfully disagrees. Each time a subsequent server receives the information, the information is a inbound payload to that server. Since all the payloads received by the servers are the same, each of the payloads are identical.

At the top of page 32, Applicant argues that Mockapetris fails to disclose no "later arriving outbound payload received by the at least one gaming machine." This argument is not persuasive because claim 1 does not require a second outbound payload to be received. That is, claim 1 recites, "irrespective of when OR IF a second later arriving outbound payload is received by the at least one gaming machine" (emphasis added by the Examiner).

For at least these reasons, the Examiner maintains the Final Rejection of claims 1-12,63-65,78-92,108 and 109.